

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NATHAN LOUIS LOMAX,

Plaintiff

Case No. 2:23-cv-00534-GMN-DJA

**ORDER**

v.

GABRIELA NAJERA, et al.,

Defendants

On April 10, 2023, pro se plaintiff Nathan Louis Lomax, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff attached a financial certificate and an inmate trust fund account statement for the previous six-month period to his complaint. (ECF No. 1-2.) However, Plaintiff did not file an application to proceed *in forma pauperis* or pay the \$402 filing fee.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff has neither paid the full filing fee nor applied to  
4 proceed *in forma pauperis*. The Court gives Plaintiff **until June 23, 2023**, to either pay  
5 the filing fee or submit an application to proceed *in forma pauperis*.

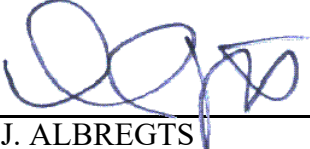
6 **II. CONCLUSION**

7 It is therefore ordered that Plaintiff has **until June 23, 2023**, to either pay the full  
8 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
9 three required documents: (1) a completed application with the inmate's two signatures  
10 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
11 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
12 previous six-month period.

13 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
14 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
15 to refile the case with the Court, under a new case number, when Plaintiff can file a  
16 complete application to proceed *in forma pauperis* or pay the required filing fee.

17 The Clerk of the Court is directed to send Plaintiff Nathan Louis Lomax the  
18 approved form application to proceed *in forma pauperis* for an inmate and instructions for  
19 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

20  
21 DATED THIS <sup>24th</sup> \_\_\_ day of April 2023.

22   
23 \_\_\_\_\_  
24 DANIEL J. ALBREGTS  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28